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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 961

W. REUEN FISHER, *Petitioner*,

v.

NORTH BRANCH PRODUCTS, INC., a Michigan Corporation, of Millington, Michigan, *Respondent*

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

To the Honorable Chief Justice and Associate Justices of the Supreme Court of The United States:

Petitioner prays that a Writ of Certiorari issue to review a judgment of the United States Court of Appeals for the District of Columbia Circuit, dated and entered in the above cause on December 27, 1962, and on which a petition for rehearing en banc was denied on January 28, 1963 and on which a petition for rehearing by the division was denied on February 6, 1963.

The Appellate Court by an order dated February 12 1963 granted petitioner's motion filed on January 31, 1963 to stay the mandate and transmission of the opinion and the certified copy of the judgment for a period of thirty days pending application for certiorari pursuant to Rule 31 (k) (2) of the Appellate Court Rules. The Appellate Court by a further order dated March 1, 1963 granted petitioner's further motion filed on February 25, 1963 to continue the stay of the mandate and transmission of the opinion and the certified copy of the judgment to March 29, 1963 pending application for certiorari.

A.

REFERENCE TO OPINIONS IN COURTS BELOW

The Appellate Court's opinion is reported at the present time at 136 USPQ 28. It is printed on page 36a in the appendix to this petition.

The District Court's opinion on the merits was delivered on September 27, 1961 and is reported at 131 USPQ 135. It is printed on pages 25a through 29a in the appendix to this petition.

The District Court on January 6, 1960 had previously dismissed the Complaint on the ground of forum non conveniens and that opinion is reported at 179 F. Supp. 843 and is printed on pages 9a through 14a in the appendix to this petition. The Appellate Court reversed the District Court on November 15, 1960 and remanded the action for trial on the merits and that opinion is reported at 109 U.S. App. D.C. 182, 284 F. 2d 611 (1960), cert. denied, 365 U.S. 827 (1961) and is printed on pages 15a through 22a in the appendix to this petition.

B.

CONCISE STATEMENT OF GROUNDS INVOKING JURISDICTION OF THIS COURT

1. Date of Decree to be reviewed is December 27, 1962 and time of its entry is December 27, 1962.

2. Date of order denying petition for rehearing en banc is January 28, 1963. Date of order denying petition for rehearing by the Division is February 6, 1963.

Date of order to stay the mandate and transmission of opinion and the certified copy of the judgment for period of 30 days pending application for writ of certiorari is February 12, 1963. Date of further order to continue stay of the mandate and transmission of opinion and certified copy of the judgment to March 29, 1963, pending application for writ of certiorari, is March 1, 1963.

3. The statutory provision believed to confer on this court jurisdiction to review by certiorari is Sec. 1254(1), Title 28, U. S. Code.

C.

QUESTIONS PRESENTED FOR REVIEW

1. Whether Petitioner, a United States citizen and resident of Canada and a former Michigan corporation officer and director was deprived of his constitutional rights of due process under the 5th Amendment of the United States Constitution, and of equal protection of the laws as implied in the 5th Amendment, by the action of the District Court of the District of Columbia, which was affirmed by the Appeals Court for the District of Columbia, in failing and arbitrarily refusing to apply and give Petitioner the equal pro-